

## No. 1978-321

## AN ACT

SB 728

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, changing provisions relating to theft of services.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 3926 of Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 3926. Theft of services.

(a) Acquisition of services.—

(1) A person is guilty of theft if he intentionally obtains services *for himself or for another* which he knows are available only for compensation, by deception or threat, *by altering or tampering with the public utility meter or measuring device by which such services are delivered or by causing or permitting such altering or tampering*, or by false token or other trick or artifice to avoid payment for the service.

(2) As used in this section, the word "service" includes, but is not limited to, labor, professional service, transportation service, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water, and telephone service.

(3) Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

(b) Diversion of services.—A person is guilty of theft if, having control over the disposition of services of others to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto.

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(d) *Inference from using nonmetered utility service.—Any person having possession of or access to the location of a public utility meter or service measuring device which has been avoided or tampered with so as to inhibit or prevent the accurate measurement of utility service and who enjoys the use of or receives the benefit from the public utility service intended to be metered or measured by the public utility meter or measuring device so avoided or tampered with may be reasonably inferred to have acted to avoid or tamper with the public utility meter or measuring*

*device with the intent to obtain the public utility service without making full compensation therefor.*

*(e) Sale or transfer of device or plan intended for acquisition or diversion.—A person is guilty of a misdemeanor of the third degree if he sells, gives or otherwise transfers to others or offers, advertises or exposes for sale to others, any device or plan for the making of such device or other instructional procedure, under circumstances indicating his having knowledge or reason to believe that such device, plan or instructional procedure is intended for use by such others for the acquisition or diversion of services as set forth in subsections (a) and (b).*

Section 2. This act shall take effect in 90 days.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP